



ORAL TESTIMONY

**Statement of Phillip Bell
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Washington, D.C.**

Before the House Education Committee

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Mr. Chairman and Members of the Committee,

My name is Phillip Bell and I am the State Legislative Director of the 1st Amendment Partnership in Washington, D.C. 1AP, and our predecessor organization: the American Religious Freedom Program, has worked across the country in support of public policy that protects the religious civil rights and liberties of Americans of all faiths. As an example, the 2013 National Religious Freedom Conference—which was broadcast on C-SPAN—featured speakers from the Sikh, Pentecostal, Muslim, Latter-day Saint, Jewish, Evangelical, Eastern Orthodox, Catholic, and Anglican faith communities.

As an organization comprised of many faith communities that disagree on doctrinal and theological issues—and personally as the son of a speech therapist—we recognize the immeasurable value that education plays in our society and thank you for this opportunity to discuss HB 15-1037.

In that vein, I would like to address two key facts:

- First, diverse students of many different faiths at Colorado colleges and universities face the suppression of their First Amendment liberties and religious civil rights from the misapplication of well-meaning policies.
- Second, there is a thoughtful approach to address this challenge. This approach is based on strategies adopted by various states and flagship universities. Colorado has an opportunity to follow this path with the legislation before you today, House Bill 15-1037.

Legislation similar to House Bill 15-1037 has been recently enacted by bipartisan legislative majorities in Ohio and Virginia. During 2014, Oklahoma followed suit with a near-unanimous passage of its version of HB 15-1037. Why have these states—with the diverse populations and electoral backgrounds taken this action? It's because they understand the value of protecting the First Amendment Rights of college and university students, along with the need to protect schools and taxpayers from expensive, time-consuming litigation.

It's a well-known fact that college students have met and organized groups since the dawn of college campuses. These groups range in purpose from social fraternities to religious groups for every manner of faith.

The U.S. Supreme Court recognized the constitutionality of these groups when it decided *Widmar v. Vincent*¹ in 1981. In *Widmar*, the University of Missouri refused to recognize a campus religious fellowship as an official student group and prohibited its meeting on campus. University administrators erroneously believed the Establishment Clause would be violated if religious students met on campus to sing and pray.

The Court boldly struck down this state-enforced censorship. Justices Thurgood Marshall and William Brennan joined 6 of their colleagues for an 8 to 1 decision holding that the University of Missouri could not discriminate against the religious student group. It further affirmed the First Amendment free speech and associational rights to meet on campus to study and pray.

Their constitutionality confirmed, student faith groups continue to benefit college campuses in innumerable ways. They enrich diversity on campus and provide a

¹ 454 U.S. 263 (1981).

supportive place for students of faith who are away from home, often for the first time. They help students of diverse backgrounds and faiths find a welcoming community. Beyond campus borders, they can be found leading food, clothing, and toy drives for the needy, helping rebuild communities, and even spreading many of these tangible tenets of faith abroad.

Religious student organizations enhance and expand their institution's academic mission by hosting speaking events, seminars, and forums that help the learning process continue beyond limited classroom time.

Therefore, it is sad to see student faith groups, which offer so much, being systematically removed from campuses. Rather than using nondiscrimination policies to create campuses that are welcoming to all students, these policies are being applied to explicitly make religious students unwelcome.

Misuse of these policies has been found in both public and private colleges. The most publicized being that of Vanderbilt University, where long-tenured religious campus organizations found they could no longer exist as official student groups. The denial of recognition was the result of these groups requiring that group leaders be practicing members of their respective faith communities. The University of California system is taking the same approach toward its religious student groups with the same result: wholesale banishment from campus.

Despite this harsh reality, we believe many college administrators simply misunderstand the issue at the heart of HB 15-1037. Just as a church or a mosque requires that its ordained and lay leaders act consistently with the precepts of those religions, so too should a campus student group. How better for an individual to truly learn about a discipline, organization, or way of life, than through exposure to those who participate in it? Most colleges recognize this ideal when they jump at the chance to have departments led by individuals who are leaders in a certain field. Thus, student religious groups, in furthering the educational process by offering unique, front-line, in-person access to a religion should have the freedom to follow the same proven principles of academia by electing student leaders who share their beliefs.

Beyond the hard feelings which accompany religious discrimination, the misapplication of these well-intended policies can be costly for states and their

universities in terms of the litigation that inevitably follows. With scarce education dollars better spent on professors and students, passage of HB 15-1037 can have an immediate positive impact for every Coloradan.

Fortunately, many universities understand that nondiscrimination policies and religious freedom are naturally compatible. Flagship public institutions, including the University of Florida, University of Minnesota, and University of Texas, have comprehensive nondiscrimination policies that allow religious student groups the freedom to maintain religion-based leadership requirements.

Several states have recently recognized the importance of protecting the religious liberty of college students. Along with Ohio, Virginia, and Oklahoma, Democrats and Republicans in Arizona, Idaho, and Tennessee have enacted laws upon which the language of HB 15-1037 is predicated.

Let's take this opportunity to show every American that Colorado's state university system is a welcome, inclusive forum for learning by passing HB-15-1037.